

REMARKS

Claims 1 and 3-6 are now pending in the application. Independent claim 1 is amended to include features of dependent claim 2, effectively rewriting claim 2 in independent form. Claim 2 is cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stanley et al. (U.S. Pub. No. 2002/0156756) in view of Allen et al. (U.S. Pub. No. 2002/0068269). This rejection is respectfully traversed.

Amended independent claim 1 is drawn to a life sciences laboratory system. The system includes, among other features, at least one networked computer system, a catalog of life sciences related assay kits, a purchasing subsystem, and a workflow system. Paragraphs [0008], [0011]-[0013], and [0016]. The catalog of life sciences related assay kits are linked in memory to related portions of genomic data. Paragraphs [0011] and [0054]-[0055]. The purchasing subsystem presents portions of the catalog to the user for potential purchase of assay kits identified as a result of access by the user of correspondingly related portions of genomic data. Paragraphs [0013], [0046], [0056], [0060], [0069], [0076], and [0080]-[0081]. The workflow system is operable to allow the user to prescribe and track the performance of a series of steps associated with the user's life sciences research. Paragraphs [0012], [0016], [0044], [0051]-[0052], [0082], [0084], and [0086]. Thus, the life sciences laboratory system has a workflow

system which allows the user to actively establish rules or directions in a series of steps associated with the user's life sciences research, as well as logging or recording the performance of the steps. Paragraphs [0084] and [0086].

To establish a *prima facie* case of obviousness, the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). If the references are missing claimed features, there must be some apparent reason either in the references or the general knowledge in the art to modify the references to include the missing subject matter. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007). The Examiner should make the apparent reason to combine or modify the references explicit to facilitate review. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. at 1740-41, 82 USPQ2d at 1396; and see *In re Kahn*, 441 F3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning to support the legal conclusion of obviousness.").

In this case, the combination of the Stanley and Allen references fails to include all the features of independent claim 1 and no apparent reason based on the general knowledge in the art is provided by which a skilled artisan would include the missing features. In particular, the reference combination fails to teach a life sciences laboratory system having the claimed workflow system. The present workflow system is operable to allow the user to prescribe and track the performance of a series of steps associated with the user's life sciences research. Paragraphs [0012], [0016], [0044], [0051]-[0052], [0082], [0084], and [0086]. The workflow system therefore enables the user to actively

establish rules or directions (i.e., prescribing) in accordance with the user's research plan, while also logging (i.e., tracking) the progress of the workflow. Paragraphs [0084] and [0086]. Along these lines, the user can create new workflows and modify existing workflows. Paragraph [0082]; and see examples of workflow stages and design in FIGS 7A, 7B, & 21 and accompanying text.

Conversely, the combination of the Stanley and Allen references only provides a status management component that acts as a log to record command history. Stanley paragraph [0040]. The status management component can allow logging and user-tracking of activity, data acquisition state, calibration information, transformation or analysis processes, access attempts, data integrity alerts, ranking status, and regulatory validation states. Stanley paragraph [0040]. However, nowhere does the Stanley reference describe a workflow system that allows the user to prescribe a series of steps associated with that user's life sciences research.

The Allen reference fails to cure the deficiencies of the Stanley reference. Allen is provided for disclosing hyperlinks regarding purchase information for assay kits or reagents. Allen paragraph [0055]. The Allen reference is directed toward a system for simulating cellular biochemical pathways. Allen paragraph [0027] and FIGS. 1A and 1B. The system can be used to predict functional properties of a protein, potential interaction partners of the protein, and potential target biochemical pathways within which the protein may interact. Allen paragraph [0005]. The data generated by the system can enable the user to predict proteins that may interact with the protein of interest and can provide advantages relating to potential new avenues of research to pursue. Allen paragraph [0008]. But, nowhere does Allen disclose that the system

allows the user to prescribe a series of steps associated with the user's life sciences research in a workflow. In fact, the Allen disclosure is focused on providing simulation results to direct the user, it is not designed for the user to direct or prescribe a series of steps associated with the user's life sciences research via a workflow system.

The exemplary workflows in FIGS. 7 and 8 of the present specification further illustrate the differences between claim 1 and the Stanley and Allen combination. In the bioinformatics example, the researcher identifies three chromosome regions. Paragraph [0052]. From these regions, SNPs are selected that are contained in an assay list. Paragraph [0052]. The chromosome regions can be converted to gene lists that are converted to transcript text. Paragraph [0053]. The user may then direct the workflow to determine a list of proteins using the Panther protease inhibitors program. Paragraph [0054]. This protein list is converted into a transcript list and combined with the transcript text. Paragraph [0054]. Based on the results, the user can select desired assays and use the catalog and purchasing subsystem to obtain the physical assay kit and associated supplies for conducting the next step in a series of steps associated with the user's life sciences research. Paragraph [0055].

The combination of the Stanley and Allen references cannot result in a system capable of performing the above example. At best, Allen discloses linking purchasing information for assay kits where Stanley teaches a system for integrating multiple layers of data. Notably, however, the reference combination is a passive display of related and integrated information and does not include a workflow allowing the user to actively prescribe steps in a research plan. As a result, combination of the molecular object data structure system according to Stanley with the purchase information links

according to Allen still lacks the presently claimed workflow system. Only the present claims allow the user to prescribe a series of steps associated with the user's life sciences research and identify offered products useful in connection with performing the series of steps. Paragraphs [0012] and [0013]. Accordingly, combination of the Stanley and Allen references cannot establish a case of obviousness as the combination lacks elements of the present claims and no apparent reason is provided by which a skilled artisan would include the missing elements.

Applicants respectfully request reconsideration of the claims and withdrawal of the rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 4, 2008

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